

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MEGHAN McNAMARA,  
Plaintiff,**

**v.**

**YOUR FARE, INC., and  
CHRISTOPHER MONK,  
Defendants.**

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**CAUSE NO. 21-140**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Meghan McNamara, Plaintiff, files this Original Complaint against Defendant Your Fare, Inc. (“Your Fare” or “Company”) and Defendant Christopher Monk (“Monk”), and would hereby show as follows:

**INTRODUCTION**

1. This is an employment discrimination and retaliation case based upon violations of the Equal Pay Act, 29 U.S.C. §206(d), et seq. Plaintiff Meghan McNamara was one of the very few – and at times only – female employees of Defendant Your Fare, Inc. during the nearly four years that she was employed at the Company. Although Ms. McNamara was a Co-Founder of Your Fare, Inc., and served as its Director of Implementation and Business Development, she consistently received less compensation, wages, earnings, benefits, and equity options/shares than her male peers at the Company. This unequal and discriminatory treatment by Defendants became even more apparent during the last year of Ms. McNamara’s employment, when Defendants hired male employees at Ms. McNamara’s same level at higher salaries than she was receiving, even though these male employees had little to no experience or qualifications for the positions. In addition to Defendants compensating Ms. McNamara less than her male peers, Defendants also

issued her less equity ownership in the Company than previously agreed upon, and less than that issued to the other Co-Founder of the Company, who is male. Finally, although Ms. McNamara tried to address her concerns of unequal treatment and compensation with the Company, she was terminated in retaliation for making these complaints.

## **PARTIES**

2. Plaintiff Meghan McNamara is a resident of Travis County, Texas.
3. Defendant Your Fare, Inc., is a corporation with its principal place of business located at 204 Brewster Street, Austin, Texas 78704. Citation may be served on Defendant Your Fare, Inc. through an officer of the Company or its registered agent.
4. Defendant Christopher Monk is a resident of Travis County, Texas. Citation may be served on Defendant Christopher Monk at 204 Brewster Street, Austin, Texas 78704, or wherever he may be found.
5. Defendant Christopher Monk was, at all times relevant to this matter, the Chief Executive Officer of Defendant Your Fare, Inc., and acted directly or indirectly in the interest of Defendant Your Fare, Inc. in relationship to Plaintiff Meghan McNamara, and therefore is a joint employer under the Fair Labor Standards Act (“FLSA”) and the Equal Pay Act as defined by 29 U.S.C. §203(d).
6. Defendant Christopher Monk, at all times relevant to this matter, was a corporate officer with operational control of Defendant Your Fare, Inc., and had direct responsibility for the supervision of Plaintiff Meghan McNamara. At all times relevant to this matter, Defendant Christopher Monk (1) possessed the power to hire and fire Plaintiff Meghan McNamara, (2) supervised and controlled Plaintiff Meghan McNamara’s work schedules or conditions of employment, (3) determined the rate and method of payment to Plaintiff Meghan McNamara, and

(4) maintained employment records for Plaintiff. Accordingly, Defendant Christopher Monk is a statutory employer under the FLSA and the Equal Pay Act, and Defendants Your Fare, Inc. and Christopher Monk were, at all times relevant to this suit, jointly and severally the employers of Plaintiff Meghan McNamara under the FLSA and the Equal Pay Act.

### **JURISDICTION AND VENUE**

7. This civil action involves a federal question and seeks redress for violation of rights guaranteed to Plaintiff pursuant to the Equal Pay Act, 29 U.S.C. §206(d), et seq. As such, jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.

8. This action lies in the United States District Court for the Western District of Texas, Austin Division, pursuant to 28 U.S.C. § 1391(b)(1) and (2), as the events giving rise to Plaintiff's claims occurred substantially in Travis County, Texas, within this judicial district.

### **CONDITIONS PRECEDENT**

9. All conditions precedent have been performed or have occurred.

### **FACTS**

10. Ms. McNamara is a co-founder of Your Fare, Inc. ("Your Fare" or the "Company") and served as its Director of Sales and then as its Director of Implementation from September 2016 until she was illegally terminated from the Company on or about July 2, 2020.

11. Ms. McNamara was one of the very few – and at times only – female employees of Your Fare during the nearly four years that she was employed at the Company. Throughout this time, Ms. McNamara was paid significantly less than other Director level male peers who were performing substantially similar work that required substantially equal skill, effort and responsibilities. In addition, there were significant delays in the issuance of her pay throughout

her employment, and Ms. McNamara was denied benefits that other male employees were provided.

12. This unequal and discriminatory treatment by Defendants became even more apparent during the last year of Ms. McNamara's employment, when Defendants hired male employees at Ms. McNamara's same level at higher salaries than she was receiving, even though these male employees had little to no experience or qualifications for the positions.

13. In addition to Defendants compensating Ms. McNamara less than her male peers, Defendants also failed to issue her the amount of equity ownership in the Company as previously agreed. Throughout Ms. McNamara's employment, Defendants conveyed to her both verbally and in writing that as a "Co-Founder," Ms. McNamara was a 5% owner of the Company. Despite this agreement by Defendants, which Ms. McNamara relied upon throughout her employment, Ms. McNamara learned following her termination that the shares she had been granted do not reflect a 5% equity interest in the Company. Rather, Ms. McNamara's shares appear to amount to less than a 2% equity interest in the Company. Upon information and belief, Ms. McNamara's equity interest in the Company is less than that of Your Fare's other Co-Founder, Defendant Christopher Monk, who is male.

14. Ms. McNamara tried to address her concerns of unequal treatment and compensation directly with Defendants on multiple occasions, but Defendants refused to rectify them. Instead, Defendants terminated Ms. McNamara's employment in retaliation for Ms. McNamara making these complaints.

**CAUSES OF ACTION**  
**VIOLATION OF EQUAL PAY ACT**

15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as if fully stated herein.

16. The Equal Pay Act, 29 U.S.C. §206, *et. seq.*, requires that an employer provide women and men equal pay for equal work.

17. In spite of being similarly situated to other male employees and performing substantially similar work that required substantially equal skill, effort and responsibilities, Defendants compensated Ms. McNamara less than these other similarly situated male employees, by paying her less in compensation, wages, earnings, benefits and equity options/shares in the Company.

18. Further, Defendants terminated Ms. McNamara in retaliation for Ms. McNamara's complaints of such unequal treatment.

19. Defendants Your Fare, Inc. and Christopher Monk are jointly and severally liable for their unlawful acts, which were willful and in violation of the Equal Pay Act.

## **DAMAGES**

20. As a result of Defendants' willful and unlawful conduct, Plaintiff has suffered actual damages, including lost compensation, wages, earnings, benefits, and equity options/shares. Because Defendants' unlawful conduct was willful, Plaintiff additionally brings suit for liquidated damages.

## **ATTORNEYS' FEES AND EXPENSES**

21. Plaintiff seeks all reasonable and necessary attorneys' fees in this case from Defendants, including preparation and trial of this lawsuit, post-trial, pre-appeal legal services, and any appeals. Plaintiff additionally brings suit for expert fees and all costs associated with the prosecution of this action.

## **JURY DEMAND**

22. Plaintiff demands a trial by jury of all the issues and facts in this case and tenders herewith the requisite jury fee.

## **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff Meghan McNamara requests that Defendant Your Fare, Inc. and Defendant Christopher Monk be cited and called to answer, and that on final judgment, Plaintiff Meghan McNamara be granted relief, including:

- a. Economic damages for lost compensation, wages, earnings, benefits and equity options/shares, as specified above;
- b. Liquidated damages;
- c. Reasonable attorneys' fees, expert fees, expenses and costs of suit; and
- d. Pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

Respectfully submitted,

By: /s/ Edward M. (“Ted”) Smith \_\_\_\_\_

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